

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

OCT 28 2009

CLERK, U.S. DISTRICT COURT

By PK
Deputy

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS-DALLAS

David Lee James,

Plaintiff,

vs.

EQUIFAX INFORMATION SERVICES,

ET.AL,

Defendant

) Case No.: 3-09-CV-1661-K

) PLAINTIFF'S OBJECTION/RESPONSE TO
) MAGISTRATE JUDGE ORDER DATED
) 10/16/2009

COMES NOW PLAINTIFF David Lee James with his Objection/Response to
Magistrate Judge Kaplan's Questionnaire and Directions to Plaintiff
based on the following:

1. Lack of Jurisdiction
2. Violation of Due Process
3. Intimidation/Harassment

RELEVANT HISTORY

On August 13, 2009 I entered into an agreement with an individual
name J.B. Black who represented that he owned and operated a Texas
Credit Service Organization named John L. Loomis & Associates, PC. Mr.
Black represented to me that he had several years of experience in the
credit industry and that his company was Licensed and Bonded. Mr.
Black represented to me that he would work to repair my credit and
improve my score above 700. Mr. Black represented to me that if
necessary, he would file a Federal Lawsuit on my behalf and represent
my interest in Court. See Exhibit 1 (CLEINT AUTHORIZATION FORM)

1 On or about 9/15/09, I received a written Questionnaire from the
2 Court. Not knowing exactly what to do or how to respond, again, I
3 immediately made numerous attempts to get in contact Mr. Black in
4 order to inform him of my receipt of the Courts' Documents and to
5 obtain guidance and/or direction on how to address the Courts'
6 questionnaire, which prove to bear no fruit. After several
7 unsuccessful attempts to contact Mr. Black I began to realize I had
8 been duped and defrauded.

9 On or about October 17, 2009, I received an Order from the Court
10 which in part orders me to accurately and adequately respond to the
11 Court's questionnaire within twenty (20) days; and an admonishment for
12 failure to comply along with potential sanctions and dismissal of my
13 complaint for want of prosecution. This has compelled me to enlist the
14 services of a Licensed and Bonded Texas Credit Service Organization
15 and a Non Profit Organization to assist with my FCRA Complaint and
16 mitigate my loss/damages and so I answer the questionnaire as such.

17
18 QUESTION NO. 1: You state in your complaint that venue lies in
19 Tarrant County, Texas. Tarrant County is located in the Fort Worth
20 Division of the Northern District of Texas, not the Dallas Division of
21 the Northern District of Texas. See 28 U.S.C. 124(a)(2). Did you intend
22 to file your complaint in the Fort Worth Division of the Northern
23 District of Texas? If not, explain why venue is proper in the Dallas
24 Division of the Northern District of Texas.

25 ANSWER: Yes. I do reside in Tarrant County Northern District of
26 Texas and my complaint should have originally been filed in the Fort
27 Worth Division of the Northern District of Texas. Given this fact, I
28 object to the Magistrate Judges' Questionnaire on grounds that this
29 Court lacks jurisdiction to hear my Complaint and I should be allowed
30 to seek leave from the Court to Amend Complaint and re-file in the
31 proper venue.
32

1 QUESTION NO. 2: Please provide the following information with
2 regard to your claim against Trans Union:

- 3 a.) state, specifically, what false information concerning you
4 Trans Union adds, stores, maintains, and disseminates;
5 b.) state, specifically, what positive credit information
6 concerning you Trans Union has withheld and not provided;
7 c.) state, specifically, what removed items Trans Union
8 reinserted on your consumer credit report without proper
9 notification;
10 d.) state, specifically, how the procedures Trans Union uses
11 fail to assure maximum possible accuracy of the information
12 it maintains and reports;
13 e.) state all specific facts that support your claim that Trans
14 Union failed to conduct a reasonable investigation into you
15 disputes;
16 f.) state the date(s) (month/day/year) you informed Trans Union
17 that you disputed information contained on your consumer
18 credit report:
19 g.) state whether you informed Trans Union of the disputed
20 information orally, in writing, or otherwise; and
21 h.) attach a copy of all written correspondence between Trans
22 Union and you related to the disputed information on your
23 consumer credit report.

24 ANSWER: I object to the Magistrate Judges' Questionnaire on
25 grounds that this Court lacks jurisdiction to hear my Complaint and I
26 should be allowed to seek leave from the Court to Amend Complaint and
27 re-file in the proper venue; violation of my due process in that I
28 have been denied to right to seek information that is relevant or
29 likely to lead to discovery of admissible evidence; I object to
30 Questionnaire to the extent that they, either separately or in
31 combination, purport to impose upon Plaintiff obligations that exceed
32 those imposed by Rule 26 and 34 of the Federal Rules of Civil

1 Procedure, the local rules of the United States District Court for the
2 Northern District of Texas, or the Court's directives; Questionnaire
3 purports to impose upon me a duty to search for and/or provide
4 information that is in part not within my possession, custody, or
5 control and are, therefore, unduly burdensome, oppressive, harassing,
6 vexatious, and go beyond the limits permitted by the Federal Rules of
7 Civil Procedure; I expressly reserve the right to supplement or modify
8 my responses and objections as its ongoing investigation and discovery
9 efforts reveal further information, if any. I further object to this
10 request to the extent that they are as readily available to Defendant
11 as they are to Plaintiff.
12

13 QUESTION NO. 3: Please provide the following information with
14 regard to your claims against defendant Experian:

- 15 a) state, specifically, what false adverse information concerning
16 you Experian adds, stores, maintains and disseminates;
17 b) state, specifically, how the procedures Experian uses fail to
18 assure maximum possible accuracy of the information it
19 maintains and reports;
20 c) state all specific facts that support you claim that Experian
21 failed to conduct a reasonable investigation into your
22 disputes;
23 d) state the date(s) (month/day/year) you informed Experian that
24 you disputed information contained on your consumer credit
25 report;
26 e) state whether you informed Experian of the disputed
27 information orally, in writing, or otherwise; and
28 f) attach a copy of all written correspondence between Experian
29 and you related to the disputed information on your consumer
30 credit report.

31 ANSWER: I object to the Magistrate Judges' Questionnaire on
32 grounds that this Court lacks jurisdiction to hear my Complaint and I

1 should be allowed to seek leave from the Court to Amend Complaint and
2 re-file in the proper venue; violation of my due process in that I
3 have been denied to right to seek information that is relevant or
4 likely to lead to discovery of admissible evidence; I object to
5 Questionnaire to the extent that they, either separately or in
6 combination, purport to impose upon Plaintiff obligations that exceed
7 those imposed by Rule 26 and 34 of the Federal Rules of Civil
8 Procedure, the local rules of the United States District Court for the
9 Northern District of Texas, or the Court's directives; Questionnaire
10 purports to impose upon me a duty to search for and/or provide
11 information that is in part not within my possession, custody, or
12 control and are, therefore, unduly burdensome, oppressive, harassing,
13 vexatious, and go beyond the limits permitted by the Federal Rules of
14 Civil Procedure; I expressly reserve the right to supplement or modify
15 my responses and objections as its ongoing investigation and discovery
16 efforts reveal further information, if any. I further object to this
17 request to the extent that they are as readily available to Defendant
18 as they are to Plaintiff.

19
20 QUESTION NO. 4: Please provide the following information with
21 regard to your claims against defendant Equifax:

- 22 a) state, specifically, what false adverse information concerning
23 you Equifax adds, stores, maintains, and disseminates;
24 b) state, specifically, how the procedures Equifax uses fail to
25 assure maximum possible accuracy of the information it maintains
26 and reports;
27 c) state all specific facts that support you claim that Equifax
28 failed to conduct a reasonable investigation into your disputes;
29 e) state whether you informed Equifax of the disputed information
30 orally, in writing or otherwise; and
31
32

1 f) attach a copy of all written correspondence between Equifax
2 and you related to the disputed information on your consumer
3 credit report.

4 ANSWER: I object to the Magistrate Judges' Questionnaire on
5 grounds that this Court lacks jurisdiction to hear my Complaint and I
6 should be allowed to seek leave from the Court to Amend Complaint and
7 re-file in the proper venue; violation of my due process in that I
8 have been denied to right to seek information that is relevant or
9 likely to lead to discovery of admissible evidence; I object to
10 Questionnaire to the extent that they, either separately or in
11 combination, purport to impose upon Plaintiff obligations that exceed
12 those imposed by Rule 26 and 34 of the Federal Rules of Civil
13 Procedure, the local rules of the United States District Court for the
14 Northern District of Texas, or the Court's directives; Questionnaire
15 purports to impose upon me a duty to search for and/or provide
16 information that is in part not within my possession, custody, or
17 control and are, therefore, unduly burdensome, oppressive, harassing,
18 vexatious, and go beyond the limits permitted by the Federal Rules of
19 Civil Procedure; I expressly reserve the right to supplement or modify
20 my responses and objections as its ongoing investigation and discovery
21 efforts reveal further information, if any. I further object to this
22 request to the extent that they are as readily available to Defendant
23 as they are to Plaintiff.

24
25 QUESTION NO. 5: You state that Dish Network violated the Fair
26 Debt Collection Practices Act. With regard to this claim, please
27 answer the following:

- 28 (a) For what good or service does Dish Network claim you owe a
29 debt?
30 (b) Does Dish Network claim you owe money to Dish Network (as
31 opposed to a third party)?
32

1 (c) Has Dish Network ever attempted to collect money you owe to
2 any entity other than Dish Network?

3 (d) Has Dish Network, in the course of attempting to collect a
4 debt, used any name other than its own that would indicate
5 that a third party is attempting to collect a debt on
6 behalf of Dish Network? If so, please state the name it
7 used.

8 ANSWER: I object to the Magistrate Judges' Questionnaire on
9 grounds that this Court lacks jurisdiction to hear my Complaint and I
10 should be allowed to seek leave from the Court to Amend Complaint and
11 re-file in the proper venue; violation of my due process in that I
12 have been denied to right to seek information that is relevant or
13 likely to lead to discovery of admissible evidence; I object to
14 Questionnaire to the extent that they, either separately or in
15 combination, purport to impose upon Plaintiff obligations that exceed
16 those imposed by Rule 26 and 34 of the Federal Rules of Civil
17 Procedure, the local rules of the United States District Court for the
18 Northern District of Texas, or the Court's directives; Questionnaire
19 purports to impose upon me a duty to search for and/or provide
20 information that is in part not within my possession, custody, or
21 control and are, therefore, unduly burdensome, oppressive, harassing,
22 vexatious, and go beyond the limits permitted by the Federal Rules of
23 Civil Procedure; I expressly reserve the right to supplement or modify
24 my responses and objections as its ongoing investigation and discovery
25 efforts reveal further information, if any. I further object to this
26 request to the extent that they are as readily available to Defendant
27 as they are to Plaintiff.

28
29 QUESTION NO. 6: You state that American General Financial
30 violated the Fair Debt Collection Practices Act. With regard to this
31 claim, please answer the following:
32

- 1 (a) For what good or service does American General Financial
2 claim you owe a debt?
- 3 (b) Does American General Financial claim you owe money to
4 American General Financial (as opposed to a third party)?
- 5 (c) Has American General Financial ever attempted to collect
6 money you owe to any entity other than American General
7 Financial?
- 8 (d) Has American General Financial, in the course of attempting
9 to collect a debt, used any name other than its own that
10 would indicate that a third party is attempting to collect
11 a debt on behalf of American General Financial? If so,
12 please state the name it used.

13 ANSWER: I object to the Magistrate Judges' Questionnaire on
14 grounds that this Court lacks jurisdiction to hear my Complaint and I
15 should be allowed to seek leave from the Court to Amend Complaint and
16 re-file in the proper venue; violation of my due process in that I
17 have been denied to right to seek information that is relevant or
18 likely to lead to discovery of admissible evidence; I object to
19 Questionnaire to the extent that they, either separately or in
20 combination, purport to impose upon Plaintiff obligations that exceed
21 those imposed by Rule 26 and 34 of the Federal Rules of Civil
22 Procedure, the local rules of the United States District Court for the
23 Northern District of Texas, or the Court's directives; Questionnaire
24 purports to impose upon me a duty to search for and/or provide
25 information that is in part not within my possession, custody, or
26 control and are, therefore, unduly burdensome, oppressive, harassing,
27 vexatious, and go beyond the limits permitted by the Federal Rules of
28 Civil Procedure; I expressly reserve the right to supplement or modify
29 my responses and objections as its ongoing investigation and discovery
30 efforts reveal further information, if any. I further object to this
31 request to the extent that they are as readily available to Defendant
32 as they are to Plaintiff.

1
2 QUESTION NO. 7: You state that American General Financial
3 violated the Fair Debt Collection Practices Act. With regard to this
4 claim, please answer the following:

5 (a) For what good or service does Trophy Nissan claim you owe a
6 debt?

7 (b) Does Trophy Nissan claim you owe money to Trophy Nissan (as
8 opposed to a third party)?

9 (c) Has Trophy Nissan ever attempted to collect money you owe
10 to any entity other than American General Financial?

11 (d) Has Trophy Nissan, in the course of attempting to collect a
12 debt, used any name other than its own that would indicate
13 that a third party is attempting to collect a debt on
14 behalf of Trophy Nissan? If so, please state the name it
15 used.

16 ANSWER: I object to the Magistrate Judges' Questionnaire on
17 grounds that this Court lacks jurisdiction to hear my Complaint and I
18 should be allowed to seek leave from the Court to Amend Complaint and
19 re-file in the proper venue; violation of my due process in that I
20 have been denied to right to seek information that is relevant or
21 likely to lead to discovery of admissible evidence; I object to
22 Questionnaire to the extent that they, either separately or in
23 combination, purport to impose upon Plaintiff obligations that exceed
24 those imposed by Rule 26 and 34 of the Federal Rules of Civil
25 Procedure, the local rules of the United States District Court for the
26 Northern District of Texas, or the Court's directives; Questionnaire
27 purports to impose upon me a duty to search for and/or provide
28 information that is in part not within my possession, custody, or
29 control and are, therefore, unduly burdensome, oppressive, harassing,
30 vexatious, and go beyond the limits permitted by the Federal Rules of
31 Civil Procedure; I expressly reserve the right to supplement or modify
32 my responses and objections as its ongoing investigation and discovery

1 efforts reveal further information, if any. I further object to this
2 request to the extent that they are as readily available to Defendant
3 as they are to Plaintiff.

4 QUESTION NO. 8: You state that Sterling violated Fair Debt
5 Collections Practices Act. With regard to this claim, please answer
6 the following:

7 (a) For what good or service does Sterling claim you owe a
8 debt?

9 (b) What type of business is Sterling engaged in?

10 (c) Does Sterling claim you owe money to Sterling (as opposed
11 to a third party)?

12 (d) Has Sterling ever attempted to collect money you owe to any
13 entity other than Sterling?

14 (e) Has Sterling, in the course of attempting to collect a
15 debt, used any name other than its own that would indicate
16 that a third party is attempting to collect a debt on
17 behalf of Sterling? If so, please state the name it used.

18 (f) Provide the full name of "Sterling" and list the address
19 where service of process may be effected on this defendant.
20

21 ANSWER: I object to the Magistrate Judges' Questionnaire on
22 grounds that this Court lacks jurisdiction to hear my Complaint and I
23 should be allowed to seek leave from the Court to Amend Complaint and
24 re-file in the proper venue; violation of my due process in that I
25 have been denied to right to seek information that is relevant or
26 likely to lead to discovery of admissible evidence; I object to
27 Questionnaire to the extent that they, either separately or in
28 combination, purport to impose upon Plaintiff obligations that exceed
29 those imposed by Rule 26 and 34 of the Federal Rules of Civil
30 Procedure, the local rules of the United States District Court for the
31 Northern District of Texas, or the Court's directives; Questionnaire
32 purports to impose upon me a duty to search for and/or provide

1 information that is in part not within my possession, custody, or
2 control and are, therefore, unduly burdensome, oppressive, harassing,
3 vexatious, and go beyond the limits permitted by the Federal Rules of
4 Civil Procedure; I expressly reserve the right to supplement or modify
5 my responses and objections as its ongoing investigation and discovery
6 efforts reveal further information, if any. I further object to this
7 request to the extent that they are as readily available to Defendant
8 as they are to Plaintiff.

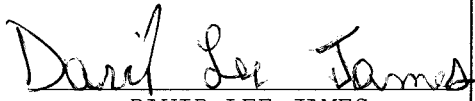
9 QUESTION NO. 9: Several defendants are listed in the caption of
10 your case, but you do not make any factual allegations against them in
11 your complaint. These defendants are: CSC Credit Services, First
12 Premier Bank, Applied Bank, Citi Morge, Colnial-ML, Tide Financial and
13 the Office of the Attorney General. Do you wish to include any of the
14 parties as defendants to this suit? If so, list which of these parties
15 you wish to include as defendants to this suit and answer the
16 following questions with regard to each defendant:

- 17 a) Identify the statute or case law basis under which you are
18 suing the defendant;
- 19 b) **briefly** provide the underlying facts with regard to your
20 claim(s) against the defendant;
- 21 c) state **specifically** how you were harmed by the defendant;
- 22 d) state the date the defendant acted:
- 23 e) state whether the defendant is a consumer reporting agency;
- 24 f) state the date you became aware of the actions of the
25 defendant; and
- 26 g) provide the address where service of process may be made on
27 the defendant.

28
29 ANSWER: I object to the Magistrate Judges' Questionnaire on
30 grounds that this Court lacks jurisdiction to hear my Complaint and I
31 should be allowed to seek leave from the Court to Amend Complaint and
32 re-file in the proper venue; violation of my due process in that I

1 have been denied to right to seek information that is relevant or
2 likely to lead to discovery of admissible evidence; I object to
3 Questionnaire to the extent that they, either separately or in
4 combination, purport to impose upon Plaintiff obligations that exceed
5 those imposed by Rule 26 and 34 of the Federal Rules of Civil
6 Procedure, the local rules of the United States District Court for the
7 Northern District of Texas, or the Court's directives; Questionnaire
8 purports to impose upon me a duty to search for and/or provide
9 information that is in part not within my possession, custody, or
10 control and are, therefore, unduly burdensome, oppressive, harassing,
11 vexatious, and go beyond the limits permitted by the Federal Rules of
12 Civil Procedure; I expressly reserve the right to supplement or modify
13 my responses and objections as its ongoing investigation and discovery
14 efforts reveal further information, if any. I further object to this
15 request to the extent that they are as readily available to Defendant
16 as they are to Plaintiff.

17
18
19
20
21 Dated this October 29, 2009
22
23

24 
25 DAVID LEE JAMES
26 IN PRO PER
27
28
29
30
31
32

CLEINT AUTHORIZATION FORM

1. I/We authorize you, the client to provide to John L. Loomis & Associates P.C., Inc. Information including, but not limited to: social security number, employment, income, assets, divorce/separation agreements, credit history documents including bankruptcy and/or foreclosure documentation as deemed necessary.
2. I/We hereby authorize John L. Loomis & Associates P.C., Inc. to act on the Clients' Behalf to obtain and verify such information listed above. Furthermore, I/We authorize John L. Loomis & Associates P.C., Inc., to pull and re-pull credit as deemed necessary to satisfy our obligation. I/We authorize John L. Loomis & Associates P.C., Inc. to repair and work on improving credit report as requested. I/We understand that, as with any loan application there is a possibility of credit scores either demonstrating an improvement or a decrease in score. I/We understand that both John L. Loomis & Associates P.C., Inc. are acting on good faith to improve credit scores a on your behalf, and hence will not hold either party liable if such incident may occur in the repair process. You the client herby allow John L. Loomis & Associates to file a federal lawsuit on your behalf to be deemed necessary to repair your credit.
3. A copy of this authorization may be accepted as an original.

David James 8-13-09
Clients Signature Date

DAVID JAMES
Clients Name

439-15-7294
Social Security #

6735 meadowcrest Dr. Arlington Va. 76002
Address

08-08-1967
Date of Birth

EX-1

STATE OF TEXAS

VERIFICATION

I David Lee James am a party to said action and declare under penalty of perjury that I have read and am familiar with contents of the response to Order and that the foregoing are true to the best of my knowledge (28 U.S.C. 1746).

Dated this day October 29, 2009

A handwritten signature in cursive script that reads "David Lee James". The signature is written in dark ink and is positioned above the printed name.

David Lee James

Pro Se